

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ALTANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

AUG 30 2010

Jimmy Clausell,

Plaintiff,

vs.

SUNTRUST MORTGAGE, INC.,

Defendant.

CIVIL ACTION FILE

NO. 1:10-CV-0993-TCB-JFK

JAMES N. BATTEN, Clerk
U.S.D.C. - Atlanta
[Signature]

NOTICE OF APPEAL
ACCEPTANCE OF THE FINAL REPORT AND RECOMMENDATION
OF JANET F. KING UNITED STATES MAGISTRATE JUDGE
AND ORDER BY
TIMOTHY C. BATTEN, SR., UNITED STATES DISTRICT JUDGE

NOW MOVES Jimmy Clausell, hereinafter, Appellant who issues this "Notice of Appeal" respecting the Judgment Order dated the 24th day of August, 2010 as follows:

1. The subject Judgment Order was received by Appellant on the 26th day of August, 2010.
2. The order and judgment was issued in chambers without a hearing and therefore there are no transcripts for the Court of Appeals.
3. The Appellant appeals the above order and judgment based upon the fact that the decision issued by the court to dismiss Appellant's action speaks loud and clear: That the Appellant has no right to question the validity of the

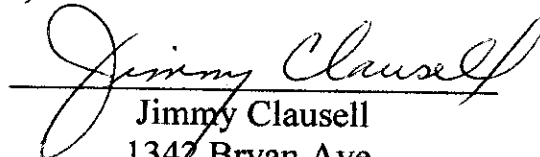
loan even though a forensic audit revealed that the subject loan contained many federal and state violations.

4. The U.S. District Court in Northern Georgia, Atlanta Division did not regard what the Supreme Court said respecting "THE PLAINTIFF'S STATEMENTS SHALL BE TAKEN AS TRUE."
5. Based upon the law of Voids, this U.S. District Court clearly left the established principal that the Appellant should always be able to explain himself (his legal theory) in a meaningful way. But this did not happen.
6. Accordingly, the Appellant had the right to petition the court to declare rights, status and relations based upon what the note bears upon the table of the Court. But the Court decision to dismiss is unfounded and at best an abuse of powers.
7. Moreover, it has been reported that citizens of other states have more rights than those who reside in the state of Georgia. But the Appellant contends that he has paid the Federal Tax over the years, and as such he will not tolerate this abridgment to his right to redress, while others elsewhere enjoy the protection of the Federal Government.
8. WHEREFORE, notice is hereby given that the within Plaintiff now Appellant, appeals the decision of this court for good causes shown. And the

Appellant reserves the right to present his iron clad evidence of the subject loan being illegal from its inception.

9. Appellant believes that this U.S. District Court has been unjustly enriched by accepting Appellant's Filing Fees, but rendered nothing in return. Towit, this action sought declaratory and injunctive relief, but did receive nonsensical rhetoric knowing full well that the current condition of this economy is directly caused by these banks and lenders, AND THE DISTRICT COURT JUDGE SHOULD HAVE KNOWN BETTER. By the way, Appellant did not consent to a magistrate judge hearing his matter. For the Appellant commenced this action to be before an Article III Court and Jury.

Respectfully submitted, for I am

A handwritten signature in cursive script, reading "Jimmy Clausell". The signature is written in dark ink and is positioned above a horizontal line.

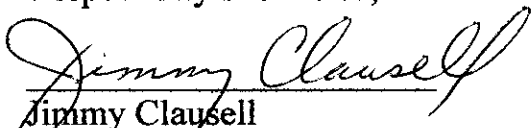
Jimmy Clausell
1342 Bryan Ave.
Atlanta, GA. 30344
904.469.4705

Certificate of Service:

I, Jimmy Clausell, the Plaintiff in the above instant action who certifies that I have served a true and correct copy of the Plaintiff's Notice of Appeal upon Defendant's Counsel at the address below this 27th day of August, 2010 A.D. Year of the Lord.

SUNTRUST MORTGAGE INC.,
c/o DICKENSON GILROY LLC
MONICA K. GILROY
3780 Mansell Road, Suite 140
Alpharetta, GA 30022
678.280.1922

Respectfully submitted,


Jimmy Clausell
1342 Bryan Ave.
Atlanta, GA 30344
904-469-4705

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JIMMY L. CLAUSELL,

Plaintiff,

vs.

SUNTRUST MORTGAGE, INC.,

Defendant.

CIVIL ACTION FILE

NO. 1:10-cv-0993-TCB

J U D G M E N T

This action having come before the court, the Honorable Timothy C. Batten, Sr., United States District Judge, for consideration of the magistrate judge's report and recommendation regarding the defendant's motion to dismiss, and the court having adopted the magistrate judge's recommendation to grant the motion to dismiss, it is

Ordered and Adjudged that the action be, and the same hereby, is **dismissed**.

Dated at Atlanta, Georgia this 24th day of August, 2010.

JAMES N. HATTEN
CLERK OF COURT

By: s/ Amy Cash
Deputy Clerk

Prepared & Filed
In the Clerk's Office
August 24, 2010
James N. Hatten
Clerk of Court

By: s/ Amy Cash
Deputy Clerk

Other Events

1:10-cv-00993-TCB Clausell v. Suntrust Mortgage, Inc.

4months, SUBMDJ, TIL

U.S. District Court

Northern District of Georgia

Notice of Electronic Filing

The following transaction was entered on 8/24/2010 at 5:24 PM EDT and filed on 8/24/2010

Case Name: Clausell v. Suntrust Mortgage, Inc.

Case Number: 1:10-cv-00993-TCB

Filer:

Document Number: 15

Docket Text:

CLERK'S JUDGMENT entered dismissing the instant civil action. (alc)--Please refer to <http://www.ca11.uscourts.gov> to obtain an appeals jurisdiction checklist--

1:10-cv-00993-TCB Notice has been electronically mailed to:

Monica Kocurek Gilroy mkg@dickensongilroy.com

Tania Tuttle Trumble ttt@dglclaw.com

1:10-cv-00993-TCB Notice has been delivered by other means to:

Jimmy L. Clausell
1342 Bryan Ave.
Atlanta, GA 30344

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1060868753 [Date=8/24/2010] [FileNumber=3877605-0]
] [15c9cdeeccca020cb9a6a5248b7967b94ff8e0948994ce9365ac2266737a91457d0
cd54f163d982a01e4c1dbb0aaef1e78b6bfd069bc733e7933d4e8d134f31c]]

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

AUG 24 2010
JAMES H. ...
By: [Signature]
Deputy Clerk

JIMMY L. CLAUSELL,

Plaintiff,

v.

SUNTRUST MORTGAGE, INC.,

Defendant.

CIVIL ACTION FILE

NUMBER 1:10-cv-993-TCB

ORDER

This matter is before the Court on pro se Plaintiff Jimmy L. Clausell's objections [12 & 13] to Magistrate Judge Janet F. King's Report and Recommendation ("R&R") [11], which recommends that Defendant SunTrust Mortgage, Inc.'s motion to dismiss [6] be granted.

After conducting a careful and complete review of a magistrate judge's findings and recommendations, a district judge may accept, reject or modify a magistrate judge's R&R. 28 U.S.C. § 636(b)(1)(C); *Williams v. Wainwright*, 681 F.2d 732, 732-33 (11th Cir. 1982). A district judge "shall make a de novo determination of those portions of the report or specified